

Electoral Reform in France

By

JAMES W. GARNER

University of Illinois



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I. HISTORICAL REVIEW

Since the separation of church and state in 1905 the paramount question of French internal politics has been that of electoral reform. No other question has been so much discussed in parliament and in the country, or has been the subject of so many reports, books, brochures and magazine articles. It has occupied a leading place in the ministerial declarations of the last five cabinets and has caused the downfall of one. It was one of the paramount issues in the parliamentary elections of 1910 and an overwhelming majority of the deputies in the present chamber were chosen upon programs which pledged them to the support of electoral reform.¹ Furthermore, the present chamber, elected in 1910, has on four different occasions by large majorities voted in favor of electoral reform and on July 10, 1912, it passed a bill by a vote of 339 to 217 embodying the more important reforms demanded by the country. But so far the senate has refused its concurrence.

The chief reform demanded by the country and the one which the chamber of deputies has several times approved by large majorities is the substitution of the general ticket method (*scrutin de liste*) of electing deputies, coupled with a system of proportional representation, in the place of the single-member-district method (*scrutin uninominal*, or *scrutin d'arrondissement*) which

¹ The programs or platforms of the deputies elected in 1910 have been collected and printed by the state under the title: *Programmes, Professions de Foi et Engagements Électoraux de 1910*, No. 385 (Annexe) ch. des Déps., Dixième Lég. ses. extra. de 1910. Paris 1910, pp. 1267. A summary and analysis of these programs may be found in the parliamentary document entitled: *Programmes et Engagements Électoraux*, by Camille Foquet, No. 385, ch. des Déps. Dixième Lég., ses. extra, de 1910.

has been in force since the establishment of the Third Republic, with the exception of the period from 1885 to 1889. Another reform for which there is more real need and one which has been the subject of a multitude of parliamentary reports and *projets* is legislation to insure secrecy of voting and for the protection of the elections against corrupt and fraudulent practices. Bills for this purpose have passed both chambers a number of times in recent years but not until July of the present year were they able to agree upon a common measure.

Since 1789 France has oscillated in practice between the "scrutin d'arrondissement" and the "scrutin de liste" methods of electing deputies, each method in one form or another having been six times tried and as many times abandoned.² The republicans of 1848, considering the "scrutin de liste" system as being more in accord with republican ideas than the system of "scrutin d'arrondissement" adopted it by a practically unanimous vote, but with the establishment of the empire it was displaced by Napoleon III who preferred to have the deputies chosen from small single-member districts for the good reason that it greatly facilitated his notorious policy of interfering in the elections in the interest of the government candidates.³

The national assembly which framed the present constitutional laws of France was elected by "scrutin de liste" and the commission of thirty to which was intrusted the task of framing a constitutional *projet* reported in favor of this system, but the famous amendment of Lefèvre-Pontalis providing for the system of "scrutin d'arrondissement" was preferred by a small majority of the Assembly and it became Article 14 of the Constitutional law of November 30, 1875.⁴

² See historical summaries in Benoist, *La Réforme Électorale* (1908), p. 121, and the *Revue du Droit Public*, etc., vol. 25, pp. 183-194.

³ For discussions of the methods which Napoleon employed to control the elections see Lefèvre-Pontalis, *Les Lois et, les Mœurs Électorales* (1885), pp. 61-140; Jules Ferry, *La Lutte Électorale en 1863* (1863), pp. 3-104 (valuable illustrative documents appended); and Weil, *Les Elections Législatives Depuis 1789* (1895), ch. ix.

⁴ For the history of this amendment see Magne, *Étude sur le Scrutin de Liste et le Scrutin Uninominal* (1895), p. 38, and Chardon, *Réforme Électorale* (1910), p. 63.

For the most part the Republican members of the national assembly favored the "scrutin de liste" method for it was they who had suffered most from the exploitation by Napoleon III of the "scrutin d'arrondissement" system during the second empire. For the opposite reasons the Monarchists opposed it. Notwithstanding the opposition of the Republicans to the "scrutin d'arrondissement," the first elections (1876) after its introduction were distinctly favorable to them. To their surprise they elected twice as many deputies as the Conservatives did and at the elections of 1877, following the dissolution on account of the *Seize Mai* crisis, their majority was still further increased. But the attempt of MacMahon to carry by intimidation, promises and corruption, the elections of 1877, an attempt which was facilitated by the smallness of the electoral circumscriptions, intensified the republican preference for the system of election by general ticket from larger districts. Gambetta put himself at the head of the movement for the reestablishment of the "scrutin de liste" and on the twentieth of May, 1881, he denounced from the tribune the single-member district method of choosing deputies as the "last fortress of the Monarchists" and referred to the chamber elected by this system as a "miroir brisé" in which France did not recognize her own image. Moved by Gambetta's eloquence the chamber passed a bill making the department the electoral circumscription and providing that all the deputies to which each department was entitled should be chosen at large on the same ticket. But the bill was rejected by the senate in which Conservative influence was still predominant. Gambetta having in the meantime become president of the council, put at the head of his program a proposal for constitutional revision which included among other things the "scrutin de liste" system of electing deputies, but on this question the government was defeated and his ministry resigned. Toward the end of the year 1881 Gambetta died and with his passing the system of "scrutin de liste" lost its most eloquent and tireless defender. At the same time, singularly enough, his death opened the way for the success of the reform which he had long advocated, because his great popularity had aroused no little jealousy among his repub-

lican colleagues, some of whom professed to believe that he had dictatorial designs, in which case the enlargement of the electoral districts would facilitate the employment of the plébiscite for such purposes, as it did a few years later at the time of General Boulanger's ascendancy. This fancied danger now removed by Gambetta's death, the chamber proceeded (1885) by a practically unanimous vote to adopt the reform for which Gambetta had pleaded with so much eloquence during his lifetime and upon which it had overthrown his ministry in 1881.

The first elections under the new law took place in October, 1885, and the results were disappointing to those Republicans who had expected to see the reactionary element eliminated from the chamber. To their astonishment 200 Conservatives and Reactionaries were elected, thus regaining all the ground they had lost in 1877 on account of the popular revolt against MacMahon's policy. The dissatisfaction of the Republicans was soon intensified by the plebiscitary successes of General Boulanger. This picturesque and extraordinarily popular man having been compulsorily retired from the army, conceived the idea of posing as a saviour of France and of taking a *plébiscite* of the country. Securing an election to the chamber he would occupy the seat until a vacancy occurred in some other department, whereupon, he would become a candidate for the vacant seat. As the department instead of the arrondissement was the electoral circumscription, the task of appealing to France was greatly simplified for he had only to carry a few of the larger departments to be able to claim that he had the endorsement of the nation. His election in the department of the Seine in January, 1889, when he received 244,149 votes against 162,414 for the Radical candidate, greatly alarmed the Republicans and they made haste to pass a bill reestablishing the system of "scrutin d'arrondissement" (February, 1889) and the senate promptly gave its concurrence by a large majority.

Thus the system of "scrutin de liste" after a single trial was done away with by the same parliament that had established it, not so much because of objections of principle, but because it facilitated the designs of a would-be-dictator. An interesting fact

in connection with the history of this question was the change of opinion which took place among the Republicans in respect to the merits of the two methods of election. In 1885 they voted almost solidly against the single member district method; in 1889 most of them voted for its reestablishment.⁵ The restoration of the system of "scrutin d'arrondissement" enabled the Republicans at the elections of 1889 to regain the seats they had lost in 1885 and their majority was still further increased in 1893, a reapportionment law having been passed in July of this year providing for a more equitable distribution of seats.

Notwithstanding these facts the old Republican tradition that the system of "scrutin de liste" was more in harmony with their principles continued to persist and in a few years a new agitation for the reestablishment of this system was well under way. Most of the projects laid before Parliament after 1895, however, proposed to combine the general ticket method with a system of proportional representation to be discussed hereafter.⁶ The system of "scrutin de liste" with proportional representation was the subject of serious discussion in the Parliament for the first time in 1902 when it was strongly combatted by Waldeck-Rousseau, president of the council, who affirmed that it would lead to a further splitting up of the already numerous political parties of France and who denounced as sophistry the contention that minorities were unrepresented under the system of "scrutin d'arrondissement." In 1906 a commission on universal suffrage with Charles Benoist as president was created by the chamber to study the various projects for electoral reform and in 1907 it submitted a report through M. Flandin strongly advocating the adoption of a system of proportional representation, and this was followed two years later by a supplementary report prepared by M. Varenne.

⁵ Of the 232 Deputies who voted in favor of "scrutin de liste" in 1885 only 85 voted to retain it in 1889.

⁶ It should be remembered that the system of 1885-89 was what the French call "scrutin de liste" "pure and simple," proportional or minority representation constituting no part of the scheme. The result was to give to the majority party in each department all the deputies to which the department was entitled.

The Briand ministry in 1909 placed electoral reform at the head of its program and it was M. Briand, speaking at Périgueux the same year, who referred to the *arrondissements* as "stagnant seas" as Gambetta in his day had called the system a "broken mirror." In November the chamber of deputies passed an electoral reform bill after some three weeks of debate. The first part of the proposition, that the chamber of deputies should be elected by "scrutin de liste," was adopted by a vote of 379 to 142; the second part, that the deputies should be elected according to a system of proportional representation was adopted by a vote of 281 to 235. At this juncture, Briand caused no little astonishment by declaring that the government could not accept the bill because the country was not ready for it. Moreover, he contended, the problem of electoral reform should be connected with that of administrative reform and the two worked out together.⁷ He asked therefore that the matter be deferred until an opportunity should be had for consulting the electors on the question. The government having raised the question of confidence the chamber thereupon rescinded its action by a vote of 291 to 225.

This was the situation when the parliamentary elections occurred in 1910. As has already been stated, the question of electoral reform, was a leading if not the paramount issue in the campaign and it was widely discussed by the candidates and the press. Of the 597 deputies elected, 134 had declared themselves in favor of electoral reform without specifying the nature of the reform desired; 223 had expressed a preference for proportional representation; 50 had demanded the introduction of the system of "scrutin de liste" without proportional representation; while only 50 were declared partisans of "scrutin d'arrondissement."⁸ A large number of deputies who had voted against the electoral reform bill in 1909 failed of reelection. Of the popular vote only 1,652,522 out of a total of 8,517,143 were cast for candidates who

⁷ Faure, "La Législature qui Finit et la Réforme Électorale" *Rev. Pol. et Parl.* v. 62, p. 433.

⁸ *Programmes, de Foi et Engagements Électoraux*, cited above. See also Grousier's *Rapport*, No. 826 Ch. des Deps., 1911 p. 3, and *Le Temps* for May 24, 1910.

were in favor of leaving the existing electoral system untouched.⁹ With this mandate from the electorate, the Briand government could no longer plead uncertainty as to the popular demand and in June 1910 it laid before the chamber a new bill embodying the principles of "scrutin de liste," proportional representation and a six year tenure for deputies. The debates began in the chamber in the spring of 1911 and in July, 1912, this electoral reform bill passed the chamber by a large majority, the success of the measure being mainly due to the vigorous and energetic support of the president of the council, M. Poincaré. But the senate commission to which it was referred reported adversely upon the bill in 1913 thus causing the resignation of the Briand ministry and an indefinite postponement of further consideration of the question.

II. "SCRUTIN DE LISTE" AND "SCRUTIN D'ARRONDISSEMENT" COMPARED

We may now consider in turn some of the more important objections that are today being urged against the "scrutin d'arrondissement" system of choosing deputies in France. First of all, it is said to be responsible for the steady decline in the character and intellectual *niveau* of the chamber. Instead of resulting in the election of deputies with large views—men who regard themselves as the representatives of the country as a whole—it leads in practice to the election of small politicians with narrow horizons, *deputés de clocher*, who consider themselves merely as the political agents of their petty circumscriptions. It has come to pass that national party programs, issues and principles play little part in French parliamentary elections, the choice of the deputy being determined mainly with reference to local or personal considerations.¹⁰

⁹ For the statistics see Groussier's *Rapport sur l'élection des députés*, etc., p. 4. Also J. L. Bonnet's *Report to the 10th Cong. of the Rad. and Rad. Soc. party*, 1910, p. 2; and Tronqual, *La Représentation Proportionnelle*, 1910, pp. 60-61.

¹⁰ Chatelier (*Réforme Republicaine*, 1911, p. 94) emphasizes this point and declares that the "scrutin d'arrondissement" method of election has made the chamber a body of mediocres. See also Moreau, *Pour le Régime Parlementaire*, 1903, p. 319; Des Champs *Le Malaise de la Démocratie*, 1899, p. 51; Chaudordy *La France en 1889*, p. 89; Goblet in the *Revue Politique et Parlementaire* for 1905, p. 254 ff.; Buisson,

The rôle of the French deputy is today largely that of a sort of *chargé d'affaires* sent to Paris to see that his constituency obtains its share of the favors which the government has for distribution.¹¹ Instead therefore of occupying himself with questions of legislation of interest to the country as a whole he is engaged in playing the rôle of a mendicant for his petty district. He spends his time in the anterooms of the ministers soliciting favors for his political supporters and grants for his *arrondissement*.¹² The ministers being dependent upon the support of the deputies naturally desire to keep on good terms with them, the importance of which is all the greater in France because the ministerial tenure is very brief and uncertain.¹³ Under such con-

La Politique Radicale, 1908, pp. 137 ff.; Fouillée, *La Démocratie Politique et Sociale*, 2 ed. 1910, pp. 25 ff.; Poincaré, *Questions et Figures Politiques*, 1907, pp. 95-103; Hilleret, *La Réforme Électorale*, 1910, pp. 15 ff.; Cloarec, *La Réforme Électorale*, 1911, p. 5 ff.

¹¹ M. Scherer, *La Démocratie en France*, pp. 35-36, remarks that so great is the feeling that the deputy must look after the local needs of his constituents that they sometimes call upon him to procure Parisian nurses for their families; others write letters describing their physical ailments and requesting him to consult a medical specialist at the Capital for them. One deputy declared that he received an average of two letters of this kind every day during his term. Some want appointments as venders of tobacco; others charge him with doing their shopping, etc.

¹² Reinach, *Du Rétablissement du Scrutin de Liste*, p. 21.

¹³ The actual relation between the deputy and his constituents and between the deputy and the minister is well described by M. Sabatier in an article in the *Revue Politique et Parlementaire*, for November, 1911, pp. 201 ff. The existing parliamentary régime, he says, is a counterfeit. Its true name should be "deputantism." Between a ministry which does not desire to be overthrown and deputies who wish at all hazards to be reëlected, an accord is soon entered into. The deputies promise the ministers the necessary votes of confidence and a free hand in the administration of the government. In return the ministers agree to appoint the friends of the deputies to office, give them decorations, and advance their supporters who are already functionaries. Thus the deputies surrender their control over the ministry and the ministers abdicate into the hands of the deputies their power to appoint, and control the functionaries. "The ministers are dependent upon the deputies," says Moreau, "and the deputies upon the electors and the electors are more concerned with local interests than with the general interests. . . . The deputy desirous of retaining his seat occupies himself with local interests, harasses the ministers, enters into deals with them; the ministers absorbed with this traffic are prevented from considering weighty affairs of state." *Pour Le Régime Parlementaire*, p. 319.

ditions the deputy has become the political master of his circumscription; he dictates appointments and promotions, the conferring of decorations and the distribution of local favors generally. He speaks of "my arrondissement," as though it were his fief and of "my prefect" as though this official were his vassal.¹⁴

Many French writers have dwelt upon the subjection of the deputy to the tyranny of local influences, the consequent loss of his independence and the abasement of the character and ability of the chamber as a whole. M. Scherer in his study of the French democracy,¹⁵ remarks that a deputy has hardly crossed the threshold of the *Palais Bourbon* before he begins to lay plans for the strengthening of his position with his constituents in order to secure a réélection. This is the one preoccupation that dominates his whole official life, colors his opinions and determines his votes. First of all, he must make himself the master of his district; he must look after the local interests and see that appropriations are made for local railroads, public fountains and monuments, repairs for the churches and pictures for the altar; he must listen to the solicitations for office from his friends and their friends; he must make promises and what is more difficult he must see that they are fulfilled.¹⁶ Speaking of the *esprit de clocher* and the dependence to which the deputy has been reduced, M. Poincaré, now President of the Republic, observes: "Before a parliament composed of members thus paralyzed, the government itself is afflicted with a sort of ataxia. There is between it and the deputies as between the deputies and the electors a constant mutuality of services. The government distributes daily nourishment to the arrondissements: appointments, subventions and decorations. The deputies in return, at the time of the balloting, bring to it those little rectangular cards upon which is inscribed the fate of cabinets. *Do ut des, do ut*

¹⁴ Chantovine, *En Province*, 1910, p. 11.

¹⁵ *La Démocratie en France*, pp. 25-36.

¹⁶ Henry Leyret, in several interesting books, has dwelt upon the baneful effects of the present system of electing deputies; of the rôle which they play as political masters of their districts; and of the petty local influences to which they are subject. See especially his *Tyrans Ridicules*, 1910, pp. 15 ff.; his *La République et les Politiciens*, 1909, and *La Tyrannie des Politiciens*, 1910.

facias. The Ministry which should be bold enough to withdraw from the conditions of the bargain would be quickly removed from the realm of reality. At the present time the chamber of deputies is not only the *miroir brisé* of which Gambetta spoke; it is a body which too often reflects the tyrannical wills of a few provincial committees interposed between the people and their representatives." "The notion of the general interest," he says, "is more and more obscured in the minds of a large number of electors; individual appetites have become aggravated; people formerly the most honest and incorruptible, accustomed to favors have contracted the debasing habit of mendicity, . . . deputies condemned to be merely the humiliating agents of the electors carry on their shoulders the weight of ancient servitudes. Forced to isolated struggles in their petty circumscriptions against adversaries who are never disarmed, always menaced in their unstable positions, always uncertain by reason of the precariousness of their victories, they have sought to rally and maintain their majority by the most natural means which are open to them, namely facile promises, personal services, official distinctions and administrative aids. . . . The first condition of relief is to cut the "bandalettes" which bind the deputy to his arrondissement and give him the freedom of respiration."¹⁷

In the second place it is asserted that the election of deputies from larger districts will diminish the evil of government interference in the elections, for the reason that the larger the district from which the deputy is chosen the more difficult it will be to influence enough voters to affect the result. Choice from petty circumscriptions, in each of which the government has numerous functionaries who serve it as electioneering agents, thanks to the centralized administrative system, naturally facilitates the control of the government over the elections. "Government *pres-*

¹⁷ "Vues Politiques," *La Revue de Paris* (1910), v. 18, p. 849-851. For further criticism of the scrutin d'arrondissement, see an article by "X" entitled the "Sophistication du suffrage universel" in the *Revue des Sciences Politiques*, 25, 344-363; Bonnets, *Report to the 10th Radical Congress*; Ferneuil, "La Réforme Électorale et le Parti Progressiste," in *Rev. Pol. et Parl.* 40: 507 ff.; "Rev. du Droit public," 25, 183-194; art. by Goblet, *ibid*, 32: 417-430; *Rev. Pol. et Parl.*, June, 1902, pp. 418-432; July, 1905, pp. 5-13.

sur" in the elections is an old practice in France, it having been particularly notorious under the second empire. Since the establishment of the third republic the methods of the empire have never been resorted to with the same openness and on the same scale, except perhaps, by MacMahon at the time of the *Seize Mai* crisis in 1877. Nevertheless, the Republicans, while respecting appearances somewhat more scrupulously than the Monarchists did, have rarely hesitated to employ the influence of the government, in close contests, to defeat its adversaries and to secure the return of friendly deputies. Generally professing a benevolent neutrality, the government sometimes goes to the length of instructing the prefects on the eve of an election to abstain from all participation in the campaign, but such orders are intended largely for appearance' sake and are not expected to be obeyed.¹⁸ Candidates favored by the government are no longer openly presented as "official candidates" to the voters by means of notices printed on white paper—reserved in France for official purposes only—accompanied by letters of recommendation from the government or even from the chief of state himself, as was a common practice during the second empire, but there are other ways of making known the preferences of the government and of exerting an effective pressure upon the electorate.¹⁹ Sometimes the voters of a poor and impecunious circumscription are given to understand that in case the government candidate is not elected they need expect nothing in the way of grants for local improvements or favors in the form of appointments or decorations. No pressure could be more effective than threats

¹⁸ An illustration of the possibilities of government intervention was afforded by the election of 1885. The government at first instructed the prefects to abstain from all activity in behalf of particular candidates. At the first balloting the reactionaries elected 177 deputies and the republicans only 131, leaving 266 seats to be filled at the second balloting. The government, greatly alarmed at the prospect of being left in the minority, hastened to give the prefects new instructions and the result was the election of 241 republicans and only 25 monarchists at the second balloting.

¹⁹ "Forty years," says M. Picot, "have separated us from the white placards (posters used by the government during the second empire for making known to the voters its candidates) but the official candidature has lost nothing but its etiquette." *Revue des Deux Mondes*, 1906, p. 542.

of this kind, especially in the rural communes, which are notorious for their mendicancy.²⁰ Whenever the reelection of an influential deputy is desired by the government it not only makes lavish promises to his constituency, but it makes known its desires to every functionary in the arrondissement from the prefect down to the school-teachers, tobacco buralists, letter carriers and road overseers, all of whom are expected to use their influence in his behalf. Many of these functionaries owe their appointments in fact to the local deputy and they are largely dependent upon him for their advancement.²¹ Consequently they are vitally interested in the election of a deputy who enjoys the favor of the government. A common argument which one hears in France today in favor of the abolition of the offices of prefect and subprefect, is that these officials are electioneering agents before everything else.²²

Whether the enlargement of the electoral circumscription will do away with the abuse of government interference in the elections may be seriously doubted. It may render the practice less easy and less efficacious but it will not remove the source, which is to be found in the centralized character of the administrative system and the somewhat low state of French political customs and morality. The truth is, public sentiment in France, to a large extent, tolerates the practice somewhat as public opinion in the

²⁰ Compare Lefèvre-Pontalis *Les Lois et les Mœurs Électorales*, pp. 47, 97; see also his *Les élections en Europe à la Fin du XIX Siècle*, ch. I.

²¹ The *Temps* of November 28, 1912, speaking of the subprefect remarks that "it is no secret today that the subprefect owes his appointment to the deputy and counts on his influence to secure promotion. How, under such circumstances could he fail to be devoted to the interests of his master? Political agent of the government, the protégé of members of parliament he will pass his life in serving them and in being served by them."

²² Jéze, *Elements du Droit Public et Administratif*, 1910, p. 138. It is a saying in France that a good prefect is one who makes a good electioneering agent and a good minister of the interior (the minister who appoints and controls the prefects) is one who successfully carries the elections for the government. Indeed the selection of this minister is often made with reference to his qualifications as a manager of elections (cf. Leyret *La Tyrannie des Politiciens*, p. 115). M. Leyret tells of a prefect who in 1906 not only prepared the electoral placards of a certain candidate but wrote articles in his behalf each day for two newspapers. (*Ibid.*, p. 124).

United States tolerates appointments and removals for political reasons. All governments in France, irrespective of party, have resorted to it, some less openly, to be sure, than others. It always has existed, says M. Faguet, and always will exist.²³

A third argument advanced in favor of the system of "scrutin de liste" is that it will do away, in some measure at least, with the gross inequalities of representation due to the existence of so many petty electoral circumscriptions. The electoral law of 1889 provides that each administrative arrondissement shall elect one deputy for every 100,000 inhabitants and an additional deputy for each fraction thereof, and that each arrondissement, irrespective of its population, shall have at least one deputy. The moment therefore, the population of an arrondissement passes 100,000 it is entitled to an additional deputy. It thus happens that the circumscription of Barcelonnette in the department of the Basses-Alpes, with a population in 1910 of 13,648 inhabitants elects one deputy, while the first circumscription in the department of the Seine with a population of 112,098 elects but one. Twelve circumscriptions with a total population of 269,977 inhabitants elect twelve deputies while twelve others with an aggregate population of 1,221,160, or nearly five times as many inhabitants, elect only twelve.²⁴ It is also a subject of complaint that the basis of representation is the total population instead of the number of voters, the effect of which is to give those districts which have a large foreign population representation out of all proportion to the number of voters. Thus according to the census of 1906, the arrondissement of Briey had a population of 100,525 and therefore elected two deputies although 27,000 of the inhabitants, or 26 per cent of the total, were aliens without the franchise. The same situation exists in the arrondissement of Nice where

²³ *Problèmes Politiques du Temps Present* (1900), p. 27.

²⁴ Professor Moreau, in his *Pour le Régime Parlementaire* (p. 294), speaks of the unjustifiable curiosities of a law which allows 100,000 people in one community a deputy and a few thousand somewhere else a deputy; which allows 20,000 electors to choose a deputy here and 2,000 to choose one somewhere else; and which produces a parliament that does not represent a majority of the voters of the country.

more than a third of the population is alien. It thus happens that whereas Briey with 22,877 voters elects two deputies and Nice with 31,183 elects three, there are nine other circumscriptions each having more than 31,000 voters but each of which elects only one deputy.

Not only do gross inequalities exist in respect to the population of the electoral districts but also in regard to the representation of the different departments. Thus the Basses-Alpes in 1906 had a population of 113,126 and elected 5 deputies, the Ariège with 205,684 elected three; the Var with 324,638 elected four, that is, with nearly three times as many inhabitants as the Basses-Alpes it elected one deputy less.²⁵ These statistics furnish the basis for the contention put forward by the advocates of electoral reform that the chamber of deputies has ceased to be a body which represents the electorate of the nation. In 1910 a deputy was called to order by the President of the chamber for asserting that the chamber at that time represented only 4,500,000 electors out of a total of 10,00,000, but in a sense he was stating a fact. According to statistics presented by MM. Aynard and Paul Deschanel in 1909 an average of 55 per cent of the electors of the country were unrepresented in the chamber during the period from 1876 to 1906. The present chamber, elected in 1910, is said to represent exactly 43.4 per cent of the electors of France.²⁶ The following table from a report made by M. Flandin shows the number of electors actually represented by deputies of their own choosing and the number unrepresented since 1876:

²⁵ For discussions and statistical tables regarding the existing inequalities of representation, see Chardon p. 12-13; Magne, pp. 82-86; Clement, *La Réforme Électorale*, pp. 9-14; Roszner, "Le Suffrage Universel en France," the *Revue de Hongrie*, July, 1912; Groussier's *Report*, cited above pp. 199 ff.; Marquart "Comment Nous Sommes Représentées," in the *Journal de la Société de Statistique de Paris*, 1905; Tronqual, pp. 75 ff; Hilleret pp. 18-19; Bonnet's *Rapport*, pp. 248 ff. See "Lectures Pour Tous," April, 1902, for a popular and suggestive article entitled "Les Français sont-ils Égaux devant le Bulletin de Vote?"

²⁶ *Rapport* par A. Groussier fait au nom de la Com. du Suff. Universel sur l'Élection des Deps., etc., 1911, No. 826, p. 11.

Year	Votes received by deputies elected	Voters unrepresented
1876.....	4,458,584	5,422,283
1877.....	5,059,106	5,048,551
1881.....	4,567,052	5,600,000
1885.....	4,042,964	6,000,000
1889.....	4,526,086	5,800,000
1893.....	4,513,511	5,930,000
1898.....	4,906,000	5,633,000
1902.....	5,159,000	5,818,000
1906.....	5,209,606	6,383,852
1910.....	5,061,271	6,598,288

From the above table it appears that but one chamber, that of 1877 (exceptional because of the sixteenth May crisis), was composed of deputies who represented a majority of the voters, that is, deputies who had received a majority of the votes cast, and in this case the majority was insignificant (11,000). It is a cause of constant complaint by the electoral reformers that as a consequence of this illusory system of representation important laws are frequently voted by parliamentary majorities which represent only a minority of the voters. Thus the law of 1905 for the separation of church and state was passed by the vote of 341 deputies who represented exactly 2,647,315 electors out of a total of 10,967,000.²⁷ Similarly the chamber which voted the law against the religious congregations represented only 2,993,812 electors out of 11,219,992 and the majority which overthrew the Dupuy ministry in June, 1890, represented only a minority of the electors.

Still another argument in favor of the system of "scrutin de liste" is that its introduction will open the way for administrative reform for which there is a crying need and a wide spread popular demand in France and which, next to electoral reform, was the most widely discussed question of internal politics in the elections of 1910.²⁸ So long as the deputy is elected from a petty district of which he is the political master and whose control is maintained largely through a distribution of offices and honors,

²⁷ Duguit, *Droit Constitutionnel*, 1911, vol. 1, p. 380.

²⁸ See Fouquet, *Programmes et Engagements Électoraux*, Paris, 1911, pp. 22 ff; also Demartial, *La Réforme Administrative*, Paris, 1911, p. 73.

the popular demand for decentralization and the abolition of useless offices will naturally not be regarded with favor by the chamber.²⁹ For example, there is a strong popular demand in France for the abolition of the sub-prefectures; the prefectural councils and of various other administrative posts the incumbents of which have few duties, but the deputies have shown little real sympathy for the proposed reform for the evident reason that it would mean the surrender of an important source of their political power. Their attitude has been exactly similar to that of our own representatives in respect to the abolition of useless customs districts.

Such are the principal arguments in support of the system of "scrutin de liste." The "arrondissementers," although considerably in the minority in the Chamber are by no means inactive. The argument that the intellectual *niveau* and the breadth of view of the deputy will be improved if elected from larger districts, rests, they say, upon opinion rather than upon knowledge or experience. The chamber chosen in 1885 according to the "scrutin de liste" method was not superior in character, ability,

²⁹ "Under the system of scrutin d'arrondissement," says M. Raymond Poincaré, "the deputy enters the chamber with chained feet. He cannot take a step without hearing the noise of chains which reminds him of his slavery. He desires to be the representative of France; but he is the courtier of an arrondissement. Ask him for administrative or financial reform; propose to him a law for the public interest and he will turn toward his petty 'chef-lieu' an interrogating look and an anxious thought. Perhaps he will consent to abolish for twenty-four hours the sub-prefectures because he knows with certainty that tomorrow the government will demand with insistence their immediate reestablishment. But you must not expect him to sacrifice for the good of the country an unoccupied 'garde generale' or a sleeping tribunal." "Vues Politiques" in the *Revue de Paris*, vol. 17 (1910), p. 849.

"Why is it," asks M. Hilleret, "that there are in France today prefects who administer nothing, judges who decide only 20 or 30 cases a year, collectors and other functionaries who have little or nothing to do." The answer is, the deputy needs this patronage to maintain control of his petty circumscription—*Réforme Électorale*, p. 21.

It is true that for some years past the chamber has with a few exceptions annually stricken from the budget the appropriation for the maintenance of the sub-prefects, but each time, upon the demand of the government, the amount has been restored. See the speech of M. Pierre Leroy-Beaulieu in the chamber, November, 30, 1911, *Journal officiel*, p. 3140; also the *Temps* for November 28, 1912.

or largeness of horizon to those that have been elected according to the system of "scrutin d'arrondissement;" it left no record of achievement in the way of constructive or reform legislation; all the great legislative reforms of the Third Republic have been the work of parliaments elected by the single member district method.³⁰ Again, the "arrondissementers" point out that the election of deputies from the department at large would establish a gross inequality of power among the voters of different parts of France. Thus under the system of "scrutin de liste" as introduced in 1885 a Parisian voter had 38 votes (the number of deputies then elected from the department of the Seine) whereas the voter in Lozère and the other small departments had only three. If the same system were in force today the Parisian elector would have 50 votes. What is more important, as the advocates of the single member district method have shown, it would be impossible for any elector in a large department like the Seine which now elects 50 deputies to vote intelligently, for the reason that he would necessarily be ignorant of the qualifications of so many candidates.³¹ Under such a system, moreover, the existence of close relations between the deputy and his constituents would be impossible.³² Furthermore, election of the deputy from the department at large will not necessarily prevent him in fact from being the representative of a particular portion of the department. It will still be possible for deputies through understandings and agreements to partition the department among themselves so that each will be the representative of a

³⁰ Compare Breton *La Réforme Électorale*, pp. 13-15; Chardon, *La Réforme Électorale en France*, p. 277.

³¹ It should be remarked however that the bill which passed the chamber in July, 1912, differed from the law of 1885 in that it provided for the division into smaller electoral circumscriptions of departments which elect more than seven deputies, so that no elector would be called upon to vote for more than seven candidates.

³² To Professor Duguit this is an argument in favor of the system of "scrutin de liste." "The deputy," he says, "is not the agent (manditaire) of the elector, but of the country, and consequently there is no reason why either should be personally acquainted with the other; on the contrary personal acquaintanceship between them tends to make the deputy a mere commissioner of the elector and obliges him to pass his time in the ministerial anti-chambers soliciting places and favors." *Droit Constitutionnel*, vol. i, p. 376.

small constituency, charged with the care of its particular interests and subject to the same local influences of which there is now so much complaint. Indeed, according to M. Poincaré this is what happened in 1885 when the system of "scrutin de liste" was introduced. Each former circumscription, demanded and obtained its own particular delegate to look after its own particular interests so that notwithstanding election from the department at large, each deputy was in fact the representative of a particular arrondissement. The old habits and practices, he adds, remained intact, electoral customs were not improved and the enlargement of the district was only a vain appearance.³³

III. PROPORTIONAL REPRESENTATION

Finally the "arrondissementers" assert, what is of course true, that the single member district system does in fact insure a certain degree of minority representation since there are few departments in which a single party is able to carry all the arrondissements of which the department is composed, whereas under the "scrutin de liste" system, "pure and simple" (that is without proportional representation), the party having a majority in the department would, of course, elect all the deputies to which the department is entitled just as the majority party in a particular American State usually chooses all the presidential electors to which the state is entitled.³⁴

³³ "Vues Politiques" in *La Revue de Paris*, April 15, 1910, vol. 17, p. 851. See also Ferneuil, "La Réforme Électorale," *Rev. Pol. et Parl.*, vol. 59, p. 465.

³⁴ Thus in the department of the Seine the Radical and Radical Socialist party with 216,000 votes would elect the 50 deputies to which the department is entitled while the votes of the 197,000 Socialists *Unifiés* and those of the 188,000 Progressists, Nationalists, and Clericals would count for nothing, whereas under the system of proportional representation the Seine would today be represented by 12 Conservatives, 15 Socialists *Unifiés* and 23 Radical Republicans. J. L. Bonnet, in his report to the 10th Radical and Radical Socialist Congress of 1910, asserted that under the system of "scrutin de liste" pure and simple uncombined with proportional representation the republicans would lose more seats than they would gain, as actually happened in 1885 when more than 200 reactionaries were elected to the chamber. With this system in force the Republicans, he says, would have no representatives today from the departments of Loire-Inferieure, Maine-et-Loire, Morbihan, Calvados, Vienne and the other reactionary departments. According to another writer there are 25 departments in which the anti-government bloc would have the majority.

For this reason there are today few advocates of the general ticket system uncombined with a scheme of proportional representation, such as that which existed from 1885 to 1889. Most of the electoral reform bills that have been before the parliament in recent years have provided for a combination of "scrutin de liste" with a scheme of proportional representation and it was in this form that the bill passed the chamber in July, 1912. Indeed the system of "scrutin de liste" is demanded first of all, because it is essential to a system of proportional representation.

Naturally the chief argument in its favor is that the existing majority system does not secure representation of the various currents of political thought and opinion in the country, at least not in proportion to the numerical strength of the parties which hold these opinions. The following table compiled by M. Dolory shows how the parties were actually represented in the Chamber in 1906 and how they would have been represented had the system of proportional representation been in force.³⁵

<i>Parties</i>	<i>Actual No. of deputies</i>	<i>Proportional</i>
Reactionaries.....	85	127
Nationalists.....	29	37
Progressists.....	73	84
Radicals.....	214	186
Radical and Radical Socialists.....	108	82
Unified Socialists.....	51	47
Independent Socialists.....	20	12

According to this estimate the Reactionary and Conservative parties (the first three mentioned in the above table) would have gained 61 seats whereas the republican groups would have lost 66 seats. According to M. La Chesnais, the Radicals and Radical Socialists polled 26.94 per cent of the total vote and elected 33.26 per cent of the deputies. In 1902 they had 37 seats more than their voting strength entitled them to and in 1906, 76 too many.³⁶

³⁵ Cited by Chardon, p. 210, and by Breton, *Réforme Électorale*, p. 82.

³⁶ "Les Radicaux et la Representation Proportionnelle," *Rev. Pol. et Parl.* (1906), vol. 50, p. 63. See also his "La Representation Proportionnelle et les Parties Politiques," 1904, p. 58.

Naturally the attitude of the parties on the question of proportional representation has been determined largely by the probable effect which it would have upon their future—in short considerations of practical politics rather than principles have influenced their action in supporting or opposing the system. It is generally admitted that the Conservatives, including the Progressists and Nationalists, would gain by the establishment of a system of proportional representation and so they have uniformly supported the bills for its introduction. The Socialist *Unifiés* in their congress of 1906 endorsed the principle and adopted it as a part of their program although it is not quite clear that they would gain anything in the way of additional seats. The party known as the Action Liberale has also pronounced in favor of it. The Independent Socialists, however, are opposed and lately the Radicals and Radical Socialists in their congress have pronounced against it ³⁷ although the party is badly divided on the question, many of its leaders being ardent supporters of the system.³⁸ On the electoral reform bill of 1909, which provided for the system of proportional representation practically all the Conservatives, Nationalists, Liberals, Progressists, and Socialists *Unifiés* voted in the affirmative; the Republicans were about equally divided while about 20 per cent of the voters of the Independent Socialists and of the Radicals and Radical Socialists were cast in favor of it.

The division among the Republicans is due to the feeling of uncertainty among them in regard to the effect which the system will have on their representation in the chamber. Many of them fear that the result will be a reduction of the number of deputies which they have under the present system and a strengthening of the conservative and reactionary forces in the chamber. They already have a safe majority, therefore, they argue, why take chances with a system which is certain to increase the strength of the opposition and may cause their own majority to disappear? That such will be the result, however, is denied by various writers. According to one of the most careful students of the question the parties would be represented in

³⁷ *Le Temps*, October 12 and 13, 1912.

³⁸ See Bonnet's *Report to the 10th Radical Congress*, cited above.

the chamber as follows, under the system proposed by the bill which passed the chamber in 1912: Conservatives, 166, a gain of 14 seats; Socialist *Unifiés* who usually oppose the government, 62, a loss of 13 seats; and Republicans of various groups, 369 a loss of one seat; total 597.³⁹ So far as the strength of the Republicans is concerned these figures do not represent any change, their number of deputies at the present time being 370. Their majority over the Conservatives and Socialist *Unifiés* would still be upwards of 80; consequently they have nothing to fear from proportional representation.⁴⁰ Not only this, but, it is contended by many persons that the party will gain in stability, cohesion, and discipline, and be freed from the existing danger due to coalitions between the Socialist *Unifiés* and conservatives against the Republican candidates at the second ballotings. Since the Republican groups have an unquestioned majority in the country, they would always be certain it is contended of an equal majority in the chamber which is not now the case. They might lose a few seats but they would be assured of a consolidated, stable majority. For many years almost the entire vote of the Socialist *Unifiés* was thrown to the support of the radical candidates at the second balloting and this outside support was chiefly responsible for the radical majority. But in recent years the Socialist *Unifiés* have changed their tactics and in all the bye-elections that have occurred since the present chamber was elected (1910) they have thrown their support to the conservative or opposition candidates. Thus the radical majority has been put in jeopardy and its preservation intact is never assured under the existing system; the danger will be removed by the adoption of a system of proportional representation which will do away with second ballotings and bye-elections and thus prevent coalitions between the extreme parties.⁴¹

³⁹ Lavergne "La Réforme Électorale jugée au point de Vue de ses Resultats Statistiques," *Revue Pol. et Parl.*, January 1913, p. 80.

⁴⁰ That the radical party would be benefited by proportional representation is affirmed by La Chesnais in an article entitled "Les Radicaux et la Representation Proportionnelle," *Rev. Pol. et Parl.*, vol. 50, pp. 50-78.

⁴¹ See on this point Bonnet's *Report*; Lavergne's article cited above; La Chesnais, *Representation Proportionnelle*, pp. 75-85; La Chapelle, "La discuss. du projet de Réf. Élect." *Rev. Pol. et Parl.*, May, 1912.

IV. SECRECY AND LIBERTY OF VOTING; GUARANTEES AGAINST
ELECTORAL FRAUDS

Parallel with the movement for the election of deputies from larger districts, and upon the basis of proportional representation, has been a widespread agitation for important reforms in the methods of electoral procedure. The law of November 30, 1875, governing the election of deputies, declares that voting shall be secret, but in fact it is scarcely less public than in Prussia where voting is by open voice. This is particularly true in the small rural communes where all the voters are personally known to one another.⁴² The method of voting now employed in France was established in the early days of the second empire, (*Décret réglementaire* of February 2, 1852) and in many respects it is quite out of harmony with modern ideas of electoral procedure. To an American, much of it seems as antiquated as the idea of Montesquieu that voting should be public in order that the common people may be assisted and instructed by the more enlightened classes.⁴³

The decree of 1852 provides that all ballots shall be marked *outside* the voting hall and that they shall be handed by the voters to the president of the electoral bureau (usually the Mayor), who shall deposit them in the urn. Ballots are not printed by the state as in the United States; each candidate furnishes his own ballot (so that there are usually as many varieties as there are candidates) and in practice they are often distributed by the candidate or his agents at the houses of the electors some days in advance of the election. The form of ballot is left to the determination of each candidate subject only to the restriction that it shall be of white paper and without any exterior signs or marks.

But in practice the secrecy which this requirement was intended to insure has proved quite illusory. The requirement

⁴² This is the opinion of many writers and publicists, cf. especially, Pierre Leroy-Beaulieu, *Moeurs Electorales*, p. 3; also his address in the chamber of deputies, March 15, 1912 (*Journal officiel*, pp. 715 ff.); Fouillée *La Démocratie Politique et Sociale en France* (1910) p. 50; and Moye, *Droit public*, p. 63.

⁴³ *Esprit des Lois*, Book I, ch. 2.

that the ballot shall be prepared by the elector before he enters the voting room facilitates bribery, intimidation and the employment of other corrupt influences. It is a common complaint that candidates or their agents, employers, and labor union representatives impose their own ballots upon those who are more or less under their control, conduct them to the polling place, and see that the particular ballots put into their hands are voted.⁴⁴ This sort of coercion is still further facilitated by the absence of the American rule which excludes from the voting place all persons except election officials, properly designated watchers and the electors who are engaged in casting their ballots. In France all the voters of the circumscription may, so far as the size of the voting hall permits, remain in the room, electioneer and watch the procedure of voting.

Naturally the right of the candidates to furnish their own ballots and to distribute them in advance of the election, gives them an opportunity to exert a pressure upon the electors, such as candidates do not have in the United States where there is a single ballot containing the names of all the candidates, which is furnished by the state and is placed in the voters' hands only by an election officer and then only upon his entrance into the polling room.

The requirement that the ballot shall be of white paper and without any exterior marks or signs has been liberally construed by the courts. The decree specifies nothing as to the dimensions of the ballot or quality of the paper and of course the term "white" is relative and more or less indefinite. Every candidate naturally desires to have a ballot which may be distinguished from those of his opponents. The result is the ballots actually employed are of different dimensions, of varying shades of color, degrees of thickness, texture, grain, etc., so that they are easily

⁴⁴ Compare, on this point, Ruau, *Rapport sur le Secret et la Liberté du Vote*, etc., No. 1170. Ch. des Deps. 3. Ses. 1903, p. 6. Instances are alleged in which bodies of voters thus conducted to the polls were forbidden to put their hands in their pockets and of others who were required to dress especially for the occasion in clothes without pockets.

recognized, particularly by the election officer who deposits them in the urn.⁴⁵

The requirement that the elector must hand his ballot to the president of the election bureau instead of himself depositing it in the urn, gives this functionary a special opportunity for detecting the voter's choice and in case of doubt he may verify his suspicions by unfolding the ballot, which the law permits if he believes or professes to believe that the paper handed to him contains more than one ballot.⁴⁶ It is also alleged that this officer sometimes makes use of his power to deposit the ballot in the urn to mark surreptitiously the ballots of those whom he recognizes as voting against the candidate which he favors so that he may have an excuse to throw them out in the course of the count because of their exterior signs.⁴⁷ The candidates are not allowed to be represented by challengers or watchers of their own choosing during the balloting or counting, the result of which is that many votes are cast by persons bearing the electoral cards of dead men or absent voters⁴⁸ and there is also complaint that the mayor and his satellites who constitute the electoral bureau not infrequently utilize their opportunity to slip into the urn fraudulent ballots for their candidates. The counting of the votes takes place, not behind closed doors, as in the United States, but in

⁴⁵ Sometimes ballots are cut obliquely by the printer or a corner is clipped off or they bear the name of the trademark of the printer, or a cross, or a flower petal, all of which serve as identifying signs. See on this point an anonymous article entitled "La sophistication du suffrage universel" in the *Annals des Sciences Politiques*, vol. 24, pp. 461 ff.

⁴⁶ Cf. Roszner "Le Suffrage universel en France," *Revue de Hongrie*, July 15, 1912, p. 415. Waldeck-Rousseau speaking in 1901 declared that one only needed to pass a polling place to be convinced that the candidates for whom the votes were being deposited were clearly recognizable. *Annales des Ch. des Deps.*, 1901, ii., 1913. M. Ruau in his report of 1904 on secrecy and liberty of voting refers to the case of a mayor in one department (Garde) who was able to advise the government before the ballot box was opened of the number of votes received by each candidate.

⁴⁷ This unlawful marking is usually done by means of a short pencil concealed in the president's hand or by the dipping of his finger in ink or some substance concealed in his pocket and then impressing it on the ballot.

⁴⁸ Reinach, *Report on Secrecy and Liberty of Voting*, etc. No. 1674, Ch. des Deps., 1912, p. 3.

the presence of noisy and excited crowds who sometimes gather around the tables for the purpose of intimidating the election officers.⁴⁹ Sometimes the lights are extinguished, the tables overturned and the ballot box made way with.⁵⁰ The president of the bureau is charged with the maintenance of order and the law empowers him to clear the hall in case of grave disorder. This functionary is often charged with provoking sham rows, after which the gendarmes are called in and the hall cleared, leaving the president and the assessors masters of the situation and free to fix the majority of their candidate at whatever size they see fit.

Measures to prevent abuses such as the above and especially measures to secure secrecy of voting have been the subject of frequent discussion in Parliament during the last ten years. The proposal that received most favor was that of voting under envelope as is the practice in the elections to the German Reichstag. The chief advantages claimed for envelope voting is that it would remove all possibility of identifying the ballot of any elector and would render impossible the surreptitious marking of ballots by the election officers for purposes of invalidation. It would also eliminate the abuse of ballot box "stuffing," at least by the voters. It has been opposed, however, for the reason that it would delay the process of counting and would involve a reflection upon the honesty of the mayors of France!⁵¹

A second proposal was to require all ballots to be printed on uniform paper of identical dimensions, thickness etc., such paper to be furnished to the candidates by the state. This scheme

⁴⁹ The tables are so arranged during the counting that the voters may freely circulate among them.

⁵⁰ On these several points, see Charbonneaux, *op. cit.*, 57 ff.; Moye, *op. cit.*, pp. 60 ff.; Leroy-Beaulieu, *op. cit.*; Lefèvre-Pontalis, *Les Elections en Europe a la Fin de dixneuvième Siècle*, 1902; also his *Lois et les Moeurs Electorales* (1885); Leyes, *Le Secret du vote* (1889); Bonnet, *Étude sur Le secret du Vote et les Moyens d'Assurer* (1901); Benoist, *Réforme Électorale*, Appendix, pp. 275-309; LaCroix "Le Secret du vote Devant le Parlement Francaise," *Rev. Pol. et Parl.*, 47, 307-320; Art. by "X", entitled "Le Sophistication du suffrage universel" in the *Annales des Sciences Politiques*, 24: 445-483; *Revue du Droit public*, 21, 125 ff., and 24, 126-127.

⁵¹ Charbonneaux, pp. 74-75. For a review of the movement in favor of envelope voting, see Ruau's report cited pp. 10 ff., and Lintilhac's *Report on Secrecy and Liberty of Voting*, etc., No. 62, Senate, 1905, pp. 10 ff.

would make the identification of ballots impossible but, like the method of envelope voting, it would not prevent intimidation and the use of pressure upon the electors, so long as they were required to prepare their ballots outside the voting room.

A third proposal contemplated a collective ballot furnished by the state and containing the names of all candidates, similar to the ballots used in the United States. This proposal was combatted in 1901 by Waldeck-Rousseau, then president of the council and, strange as it may seem to an American, it has few advocates in France today.

A fourth proposal was for the introduction of envelope voting coupled with provision for a voting booth (*Cabine d'isolement, isoloir*) in which the elector might retire for the purpose of preparing his ballot. This is the Belgian method and the one which has been adopted by the recent French law, to be described below. The proposal was first made the subject of extended discussion in the chamber of deputies in 1901, but was strongly combatted by Waldeck-Rousseau upon the ground that it would involve too great an expense to the communes and because, he said, the voting booth would become a "cabine de reflexion" and thus would cause delay in the voting, all the more so because of the French practice of going to the polls in organizations or groups.⁵² Both of the objections were greatly exaggerated as American and Belgian experience has undoubtedly shown. During the past nine years the chamber of deputies has on six different occasions passed bills, sometimes by practically unanimous votes, providing for envelope voting, for the secret voting booth and allowing candidates to be represented at the polls by witnesses or challengers. At first the senate was willing to accept only the proposal for voting under envelope, but in 1906 it agreed to accept also the principle of the secret voting booth. It has steadily refused, however, to concur in a bill providing for witnesses or challengers.⁵³

⁵² Waldeck-Rousseau, *Politique Française et Etrangere*, 1903, pp. 41-45.

⁵³ Waldeck-Rousseau in 1901 vigorously opposed the proposal to allow candidates to have representatives at the polls on the ground that it would "organize the battle at the urn."

Finally, in July of the present year, the Chamber of Deputies being convinced that the Senate would never agree to a provision permitting candidates to have representatives at the polls, accepted the Senate bill providing for voting under envelope and for the *isoloir*. The law was promulgated July 29, and will go into effect November first of this year. The law provides that in all elections ballots shall be cast under envelope furnished by the prefectural authorities; that they shall be opaque in character, shall bear an official stamp, and shall be of a uniform type for each electoral circumscription, that upon entering the voting place the elector shall be given an envelope, and without leaving the room he shall retire to to a *cabine d'isolement* so constructed that he cannot be seen and there he shall while thus concealed place his ballot in the envelope. This done, he deposits the envelope in the urn himself without the president's being allowed to touch it. This law will remove most of the evils complained of: intimidation and outside pressure, the identification of the ballots by election officers and bystanders, ballot box "stuffing," surreptitious marking of ballots by the president of the bureau—in short, it will insure full secrecy of voting. But it will not prevent voting under the names of dead men or absent voters or fraudulent voting in general, or fraudulent counting. It is announced, however, that the chamber will embody provisions for these reforms in a separate bill and will press upon the senate its passage at an early date.

In addition to the demand for more effective guarantees in the interest of secret voting and the free exercise of the electoral function, there has been much discussion of proposed legislation for the protection of the elections against corrupt and fraudulent practices. There is as yet no comprehensive law in France that may be compared to an English or American corrupt practices act, but only a few sporadic provisions prescribing penalties for bribery and similar electoral offenses.

First of all, there are complaints of fraudulent registrations and of registration lists which contain the names of dead men

and of electors who no longer reside in the commune.⁵⁴ The registration lists are permanent in France, that is, the voter is required to register but once. To be sure, the lists are annually revised but as is usually the case where this system of registration prevails, many names remain on the list which are not entitled to be there. Not infrequently there are as many or even more votes cast than the total male population over twenty years of age.⁵⁵

The evidence submitted to the council of state in the contested election cases that have been before it leave no doubt that frauds are all too common, especially in the South of France and in Corsica, while in the colonies the elections are often farcical. In the city of Toulouse and in the department of Herault, election frauds have been quite notorious.⁵⁶ The old practice of "ballot box stuffing" is by no means unknown in France for we are told that in the elections of 1906, there were 196 districts in which more votes were cast than there were registered electors. It is widely asserted in France that the members of the electoral bureau and especially the president are the principal offenders. The assessors who sit with the president are in fact usually men of his own choosing and are often his pliant instruments. With their connivance, it is an easy matter for him to deposit fraudulent

⁵⁴ For examples of fraudulent registrations, see the speech of Pierre Leroy-Beaulieu in the Chamber, Feb. 29, 1912. *Journal Officiel* pp. 538 ff. Heretofore there has been no prohibition upon registration by the elector in more than one commune, but the new law passed in July of this year contains such a provision.

⁵⁵ Thus in the department of Ariège there are 74,788 electors on the registration list, whereas the total male population over 20 years of age is but 66,998; in the department of Tarn, the figures are 113,071 and 110,876 respectively. In one commune where the total population, including women and children was but 345, there were 350 registered voters.

⁵⁶ In Herault, M. Paul Leroy-Beaulieu the well known economist, was twice the victim of these frauds. See his brochure "un chapitre des mœurs Electorales en France, dans les années 1889 et 1890." More recently his son, Pierre, has had a somewhat similar experience. See his own account of how elections are held in Herault, in *Mœurs Electorales en France au XX^e Siècle* (Paris, 1902). M. Beaulieu recently related to me some of the ingenious methods employed in France to falsify the elections.

ballots in the urn as often as he chooses and to make the majority for his candidate as large as he pleases, and that this is frequently done, the evidence in contested election cases seems to leave little doubt. The existing legislation for the prevention of frauds of this and other kinds is therefore quite inadequate.⁵⁷

⁵⁷ Concerning this insufficiency, see Delpech "Corruption et Dépenses Electorales," *Rev. du Droit Pub.* 22, 65 ff.; 23, 97ff.; 26, 314-331. By the law passed in 1902, heavy penalties were imposed upon election officers found guilty of fraudulent acts. The new law recently enacted increases these penalties and provides that in case the offender is a public functionary the penalty shall be doubled.



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